

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 6. This sheet, which includes Fig. 6, replaces the original sheet including Fig. 6.

Attachment: Replacement Sheet

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 8, 9, 15 and 20-28 are currently pending, with Claims 8, 9, 20-22 and 24-28 being withdrawn from consideration as directed to non-elected inventions. Claim 15 has been amended by the present amendment. The change to Claim 15 is supported by the originally filed specification and does not add new matter.

In the outstanding Office Action, the Drawings were objected to as containing various informalities; Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/019345 to Okamoto (hereinafter “the ‘354 patent”) in view of U.S. Publication No. 2004/0013928 to Yamauchi et al. (hereinafter “the ‘928 patent”); and Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘354 patent in view of the ‘928 patent and U.S. Publication No. 2001/0014301 to Nakamura et al. (hereinafter “the ‘301 patent”).

Regarding the objection to the Drawings, a substitute drawing sheet has been attached herein to address the informalities noted in the Office Action. Accordingly, the objection to the Drawings is believed to have been overcome.

Regarding the rejection of Claims 15 and 23 under 35 U.S.C. § 103, the present application and the ‘928 patent were, at the time the invention of the present application was made, owned by Kabushiki Kaisha Toshiba. See Statement of Common Ownership. Moreover, Applicants note that, since the present application was filed September 30, 2003, i.e., prior to the publication date of the ‘928 patent, the ‘928 patent qualifies as prior art only under 35 U.S.C. § 102(e). Accordingly, under 35 U.S.C. § 103(c), the ‘928 patent cannot be used in a rejection under 35 U.S.C. § 103(a) against the claims in the present application. See

M.P.E.P. § 706.02(1)(2). Accordingly, Applicants request that the rejection of Claims 15 and 23 be withdrawn.

Furthermore, Applicants respectfully submit that no matter how the teachings of the '354 and '928 patents are combined, the combination does not teach or suggest a fuel cell system, comprising: (1) a fuel tank configured to store a fuel at a pressure higher than atmospheric pressure; (2) a reformer configured to reform the fuel into a hydrogen rich gas; (3) a water tank configured to store water to be supplied to the reformer, being coupled to the fuel tank; (4) a vaporizer configured to vaporize the water in the water tank; (5) a CO gas removal apparatus configured to remove CO gas in the hydrogen rich gas; and (6) a cell unit configured to generate electricity by allowing the hydrogen rich gas to react with oxygen, wherein the water tank comprises: (a) a first chamber coupled to an upper part of the fuel tank; (b) a second chamber coupled to an upstream of the vaporizer; and (c) a partition disposed between the first chamber and the second chamber.

Furthermore, regarding Claim 23, Applicants respectfully submit that no matter how the teachings of the '354, '928, and '301 patents are combined, the combination does not teach or suggest a fuel cell system, comprising: (1) a fuel tank configured to store a fuel at a pressure higher than atmospheric pressure; (2) a reformer configured to reform the fuel into a hydrogen rich gas; (3) a water tank configured to store water to be supplied to the reformer, being coupled to the fuel tank; (4) a vaporizer configured to vaporize the water in the water tank; (5) a CO gas removal apparatus configured to remove CO gas in the hydrogen rich gas; (6) a cell unit configured to generate electricity by allowing the hydrogen rich gas to react with oxygen, the cell unit including: (a) a fuel electrode being supplied with the hydrogen rich gas; (b) an air electrode being supplied with oxygen so as to react with hydrogen rich gas and to generate electricity; and (c) a polymer film interposed between the fuel electrode and the air electrode; and (7) a first oxygen supply unit configured to supply oxygen to the cell

unit, the first oxygen supply unit including: (a) a first chamber coupled between the CO gas removal apparatus and a fuel electrode of the cell unit; (b) a second chamber connected to an air electrode of the cell unit; and (c) a partition disposed between the first chamber and the second chamber.

Thus, it is respectfully submitted that independent Claims 15 and 23 patentably define over any proper combination of the '354, '928, and '301 patents.

Consequently, in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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